

PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

VINCENT SCHITTINO  
I, or we, VINCENT SCHITTINO, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 238.2 to permit side yard setbacks of five feet (5') and twenty feet (20') instead of the required thirty feet (30').

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Present regulations preclude reasonable expectations of development and renders the subject property inadequate for any use. Strict compliance with the applicable Sections creates both an undue hardship and practical difficulty. Further, it is inconsistent with both the considerations and intent established by virtue of the granting of side and rear yard Variances in Case Numbers 74-148-A and 68-153-A, two properties in the immediate vicinity, one of which is immediately adjacent to the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Vincent Schittino  
VINCENT SCHITTINO  
2829 ROSALIE AVENUE #21234  
Baltimore, Maryland 21234  
Address: \_\_\_\_\_  
Petitioner's Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_

Giuseppe Schittino  
GIUSEPPE SCHITTINO  
2732 MAPLE AVENUE #21234  
Baltimore, Maryland 21234  
Address: \_\_\_\_\_  
Protestant's Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of August, 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of September, 1979, at 1:30 o'clock P.M.

By: \_\_\_\_\_  
Zoning Commissioner of Baltimore County.

(over)

Case No. 80-89-A (Item No. 14)

December 21, 1979  
Vincent Schittino, et al  
NW/S Pulaski Hwy., 575'  
NE of Batavia Farms Road  
15th District

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting 9/3/79
- ☒ 4. Copy of Certificate of Publication 8/30/79
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
- ☒ 7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance, John W. Hession, III, Esq.
- ☒ 9. Copy of Order
- ☒ 10. Copy of Plat of Property
- ☒ 11. 200' Scale Location Plan
- ☒ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☒ 14. Letter(s) from Protestant(s)
- ☒ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits to \_\_\_\_\_
- ☒ 17. Petitioners' Exhibits to \_\_\_\_\_
- ☒ 18. Letter of Appeal, Frank J. Frallicciardi and Robert Minnix

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234  
Petitioner

Mr. Giuseppe Schittino  
2732 Maple Avenue  
Baltimore, Maryland 21234  
Protestant

Mr. Frank J. Frallicciardi, Pres.  
State Saw & Machinery Co.  
8220-22 Pulaski Highway  
Baltimore, Maryland 21237  
Protestant

Mr. Robert Minnix  
B & F Liquors  
8226 Pulaski Highway  
Baltimore, Maryland 21237  
Protestant

#80-89-A (Item 14)

15th District

NW/S Pulaski Hwy., 575'  
NE of Batavia Farms Road

Vincent Schittino, et al

1 SIGN

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

March 27, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-89-A

VINCENT SCHITTINO, et al

Variances-Side yard setbacks of 5' and 20' instead of required 30'

NW/S Pulaski Hwy., 575' NE of Batavia Farms Road

15th District

ZC on 11/27/79 Granted Variances

THURSDAY, MAY 22, 1980, at 11 a.m.

ASSIGNED FOR:

cc: Mr. Vincent Schittino

Petitioner

Mr. Giuseppe Schittino

"

Mr. F. J. Frallicciardi, Pres.  
State Saw & Machinery Co.

Protestant

Mr. Robert Minnix  
B & F Liquors

"

Robert A. DiCicco, Esq.

Counsel for Protestants-Appellants

John W. Hession, Esq.

People's counsel

J. E. Dyer

Zoning Office

W. Hammond

"

June Holmen, Secy.

RE: PETITION FOR VARIANCE  
from Section 238.2 of the  
Baltimore County  
Zoning Regulations  
NW/S Pulaski Hwy. 575'  
NE of Batavia Farms Road  
15th District  
Vincent Schittino, et al  
Petitioners  
BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 80-89-A

ORDER OF DISMISSAL

This case comes before the Board on appeal by the Protestants from an Order of the Zoning Commissioner, dated November 27, 1979, granting the requested variance.

WHEREAS, in open hearing before the Board of Appeals on August 28, 1980, the Chairman granted the Petitioner a forty-five (45) day continuance to allow him to employ counsel, engineer, planner, or some professional person who could present this issue to the Board, and also to submit a site plan.

WHEREAS, on October 8, 1980, the Board received a phone call from John Hennegan, Esquire, advising that he would be entering his appearance on behalf of the Petitioner and would be submitting the requested site plan.

WHEREAS, on June 18, 1981, Mr. Hennegan advised the Board that to date he has not been engaged as counsel for the Petitioner, and

WHEREAS, there is no correspondence in the file indicating that the Petitioner intends to comply with the Board's instructions.

IT IS HEREBY ORDERED this 25th day of June, 1981, that the Order of the Zoning Commissioner, dated November 27, 1979, is reversed and the petition dismissed and, therefore, the requested variance be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

John V. Murphy, Acting Chairman  
Patricia Phipps  
LeRoy B. Spurrier

Blank Rec. No. 117 A  
Blank Rec. No. 117 B  
Form 4  
Instruction 11, 12/77

John W. Hession, III, Esq.

People's Counsel

James E. Dyer

Request Notification

RE: PETITION FOR VARIANCES  
NW/S of Pulaski Hwy., 575'  
NE of Batavia Farms Rd., 15th District  
VINCENT SCHITTINO, et al,  
Petitioners  
BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 80-89-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204  
494-2183

I HEREBY CERTIFY that on this 6th day of September, 1979, a copy of the foregoing Order was mailed to Vincent Schittino, 2829 Rosalie Avenue, Baltimore, Maryland 21234; and Giuseppe Schittino, 2732 Maple Avenue, Baltimore, Maryland 21234, Petitioners.

John W. Hession, III

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

June 25, 1981

Mr. Frank J. Frallicciardi, President  
State Saw and Machinery Co.  
8220-22 Pulaski Highway  
Baltimore, Md. 21237

Re: Case No. 80-89-A  
Vincent Schittino, et al

Dear Mr. Frallicciardi:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. Robert Minnix  
Mr. Vincent Schittino  
Mr. Giuseppe Schittino  
Robert A. DiCicco, Esq.  
John W. Hession, III, Esq.  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. N. E. Gerber  
Mr. J. G. Haswell

RE: PETITION FOR VARIANCE  
from Section 238.2 of the  
Baltimore County  
Zoning Regulations  
NW/S Pulaski Hwy. 575'  
NE of Batavia Farms Road  
15th District  
Vincent Schittino, et al  
Petitioners  
BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 80-89-A

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WHEREAS, in open hearing before the Board of Appeals on August 28, 1980, the Chairman granted the Petitioner a forty-five (45) day continuance to allow him to employ counsel, engineer, planner, or some professional person who could present this issue to the Board, and also to submit a site plan.

WHEREAS, on October 8, 1980, the Board received a phone call from John Hennegan, Esquire, advising that he would be entering his appearance on behalf of the Petitioner and would be submitting the requested site plan.

WHEREAS, on June 18, 1981, Mr. Hennegan advised the Board that to date he has not been engaged as counsel for the Petitioner, and

WHEREAS, there is no correspondence in the file indicating that the Petitioner intends to comply with the Board's instructions.

IT IS HEREBY ORDERED this 25th day of June, 1981, that the Order of the Zoning Commissioner, dated November 27, 1979, is reversed and the petition dismissed and, therefore, the requested variance be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

John V. Murphy, Acting Chairman  
Patricia Phipps  
LeRoy B. Spurrier

ORDER RECEIVED FOR FILING  
DATE 7/27/79  
BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of November, 1979, that the herein Petition for Variances to permit side yard setbacks of five feet and twenty feet in lieu of the required thirty feet, with the proposed improvements to be made in accordance with the revised site plan received by the Office of Planning and Zoning on August 13, 1979, should be and the same is GRANTED, from and after the date of this Order, subject to the approval of said revised site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

[Signature]  
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for the Variance(s) to permit

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

494-3180

**County Board of Appeals**  
Room 219, Court House  
Towson, Maryland 21204  
June 25, 1981

Mr. Frank J. Frallicciardi, President  
State Saw and Machinery Co.  
8220-22 Pulaski Highway  
Baltimore, Md. 21237

Re: Case No. 80-89-A  
Vincent Schittino, et al

Dear Mr. Frallicciardi:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

[Signature]  
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. Robert Minnick  
Mr. Vincent Schittino  
Mr. Giuseppe Schittino  
Robert A. DiCicco, Esq.  
John W. Hession, III, Esq.  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. N. E. Gerber  
Mr. J. G. Howell

RE: PETITION FOR VARIANCE  
from Section 738.2 of the  
Baltimore County  
Zoning Regulations  
NW/S Pulaski Hwy. 575'  
NE Batavia Farms Road  
15th District  
Vincent Schittino, et al  
Petitioners  
BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 80-89-A

**ORDER OF DISMISSAL**

This case comes before the Board on appeal by the Protestants from an Order of the Zoning Commissioner, dated November 27, 1979, granting the requested variance.

WHEREAS, in open hearing before the Board of Appeals on August 28, 1980, the Chairman granted the Petitioner a forty-five (45) day continuance to allow him to employ counsel, engineer, planner, or some professional person who could present this issue to the Board, and also to submit a site plan.

WHEREAS, on October 8, 1980, the Board received a phone call from John Hennegan, Esquire, advising that he would be entering his appearance on behalf of the Petitioner and would be submitting the requested site plan.

WHEREAS, on June 18, 1981, Mr. Hennegan advised the Board that to date he has not been engaged as counsel for the Petitioner, and

WHEREAS, there is no correspondence in the file indicating that the Petitioner intends to comply with the Board's instructions.

IT IS HEREBY ORDERED this 25th day of June, 1981, that the Order of the Zoning Commissioner, dated November 27, 1979, is reversed and the petition dismissed and, therefore, the requested variance be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

[Signature]  
John V. Murphy, Acting Chairman

[Signature]  
Patricia Phipps

[Signature]  
LeRoy B. Spurrier

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Md. 21234

Mr. Robert Minnick  
8 & F. Lines  
8220 Pulaski Highway  
Baltimore, Md. 21237

37050

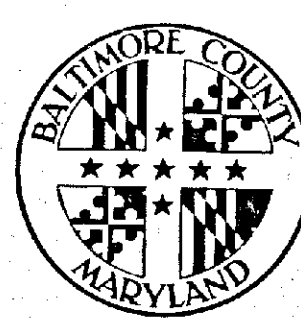
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**BALTIMORE COUNTY**

**ZONING PLANS**

**ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 13th day of August, 1979.

[Signature]  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Vincent Schittino

Petitioner's Attorney

Reviewed by: [Signature]  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

September 14, 1979

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234

RE: Item No. 14  
Petitioners - Vincent Schittino, et al  
Variance Petition

Dear Mr. Schittino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This Variance is required as a result of your proposal to locate a service garage building on this vacant B. R. zoned property, located on the north side of Pulaski Highway 575 feet northeast of Batavia Farm Road in the 15th Election District. Adjacent properties are similarly zoned and are improved with a liquor store to the east and a saw dealer to the west, while individual homes exist to the north and fronting on Old Philadelphia Road. The property occupied by the saw dealer was the subject of two previous zoning hearings (Case#68-153-A and #74-143-A) in which Variances for sideyard and rearward setbacks were granted.

This property was the subject of a previous zoning hearing (Case No. 77-204-A) in which a similar request to locate a service garage building closer to the side property lines and the front property line was denied by the Deputy Zoning Commissioner, granted by the Board of Appeals and eventually denied by the Circuit Court. A review of the previous case indicates that you are now planning to locate the proposed building in conformance with the Variance that was granted by the Board of Appeals, i.e. sideyard setbacks of 5 feet and 20 feet.

Item No. 14  
Variance Petition  
September 14, 1979

Particular attention should be afforded to the comments of the Department of Permits and Licenses concerning the type of construction of the proposed building along the easterly property line.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

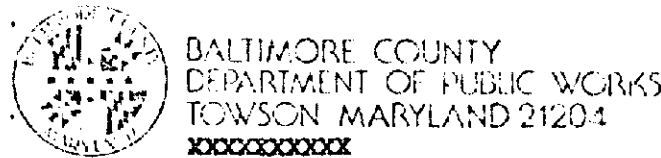
Very truly yours,

[Signature]  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures





THORNTON M. MOURING  
DIRECTOR

August 23, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #14 (1979-1980)  
Property Owner: Vincent & Giuseppe Schittino  
N/W of Pulaski Highway 575' N/E of Batavia Farm Rd.  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit side yard setback of 5' and 20' instead of the required 30'.  
Acres: 84.9/72.5 x 216.7/201.07 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 177 (1976-1977) remain valid and applicable to this Item 14 (1979-1980), and are referred to for your consideration.

Very truly yours,

EDSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: W. Munchel

1-SW Key Sheet  
10 NE 21 Pos. Sheet  
NE 3 F Topo  
89 Tax Map

March 17, 1977

Mr. S. Eric DiNanna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #177 (1976-1977)  
Property Owner: York-Towson, Inc.  
N/W of Pulaski Hwy 575' N/E Batavia Farm Rd.  
Existing Zoning: B.R.-C.S. 1  
Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.5'.  
Acres: 0.374 District: 15th

Dear Mr. DiNanna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #177 (1976-1977)  
Property Owner: York-Towson, Inc.  
Page 2  
March 17, 1977

Water:

Public water supply exists in Pulaski Highway. Additional fire hydrant protection is required in the vicinity.

Sanitary Sewer:

Public sanitary sewerage exists in Old Philadelphia Road. As indicated on the submitted plan, the Petitioner will acquire a private offsite utility easement to effect the proposed sanitary sewer connection for this site.

Very truly yours,

EDSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: W. Munchel

1-SW Key Sheet  
10 NE 21 Pos. Sheet  
NE 3 F Topo  
89 Tax Map



Maryland Department of Transportation  
State Highway Administration

James J. O'Donnell  
Secretary  
M. S. Caltrider  
Administrator

August 1, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, July 31, 1979  
ITEM: 14.  
Property Owner: Vincent & Giuseppe Schittino  
Location: N/W side of Pulaski Hwy. (Route 40)  
575' N/E of Batavia Farm Rd.  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit side yard setback of 5' and 20' instead of the required 30'.  
Acres: 84.9/72.5 X 216.7/201.07  
District: 15th

Dear Mr. Hammond:

The plan must indicate proposed concrete curb along the property frontage, 15' from the existing edge of traveled way. A second concrete curb must be indicated between the parking lot and the right of way line. The entrance must have a minimum of 10' radius returns.

The plan must be revised prior to a hearing date being assigned.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

CL:JEM:vrd

By: John E. Meyers

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



John D. Seyffert  
DIRECTOR

August 16, 1979

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #14, Zoning Advisory Committee Meeting, July 24, 1979, are as follows:

Property Owner: Vincent and Giuseppe Schittino  
Location: N/W side, Pulaski Highway, 575' N/E of Batavia Farm Road  
Existing Zoning: B.  
Proposed Zoning: Variance to permit side yard setback of 5' and 20' instead of the required 30'.  
Acres: 84.9/72.5 X 216.7/201.07  
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley  
Planner III  
Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

August 28, 1979

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 14  
Property Owner: Vincent & Giuseppe Schittino  
Location: N/W Side of Pulaski Highway, 575' N/E of Batavia Farm Rd.  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit side yard setback of 5' and 20' instead of the required 30'.  
Acres: 84.9/72.5 X 216.7/201.07  
District: 15th

Dear Mr. Hammond:

No traffic problems are anticipated by the requested Variance to the side setbacks.

Very truly yours,

Michael S. Flanagan  
Engineer Associate II

MSF/hmd



DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE AND COUNTY HEALTH OFFICER

September 12, 1979

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #14, Zoning Advisory Committee meeting of July 24, 1979, are as follows:

Property Owner: Vincent & Giuseppe Schittino  
Location: N/W Side of Pulaski Highway, 575' N/E of Batavia Farm Road  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit side yard setback of 5' and 20' instead of the required 30'.  
Acres: 84.9/72.5 X 216.7/201.07  
District: 15th

Metropolitan water and sewer are available.

If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

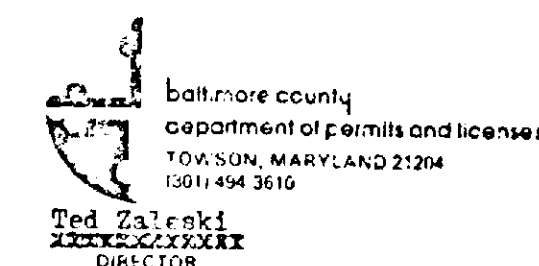
A Permit to Construct from the Division of Air Pollution Control is required for such items as paint spray processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

Very truly yours,

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRF/fthg

cc: W. L. Phillips



August 13, 1979

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #14 Zoning Advisory Committee Meeting, July 24, 1979 are as follows:

Property Owner: Vincent & Giuseppe Schittino  
Location: N/W Side of Pulaski Highway 575' NE of Batavia Farm Road  
Existing Zoning: B.R.  
Proposed Zoning: Variance to permit side yard setback of 5' (1 hour) and 20' instead of the required 30'.  
Acres: 84.9/72.5 X 216.7/201.07  
District: 15th

The items checked below are applicable:

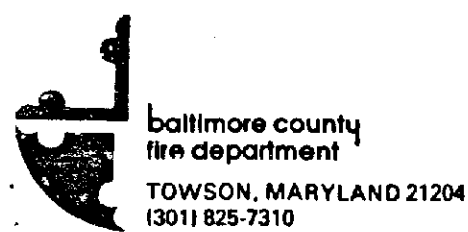
- XA. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- XB. A building permit shall be required before construction can begin.
- XC. Additional miscellaneous permits shall be required.
- XD. Building shall be upgraded to new use - requires alteration permit.
- XE. Three sets of construction drawings will be required to file an application for a building permit.
- XF. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- YG. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line. See Code - Fire Resistive requirements when wall is 5'0" from interior lot line.
- YH. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.
- YI. No Comment.
- YJ. Comment:

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burtham, Chief  
Plans Review

CEB:rrj



Paul H. Reincke  
CHIEF

August 10, 1979

William E. Hammond  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: N. Commodari, Chairman  
Zoning Advisory Committee

Re: Property Owner: Vincent & Giuseppe Schittino

Location: N/W Side of Pulaski Highway, 575' N/E of Batavia Farm Road

Item No. 14 Zoning Agenda Meeting of 7/24/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle load and condition shown at \_\_\_\_\_ exceeds the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1973 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Carl Joseph Kelly 8/14/79  
Planning Group  
Special Inspection Division

Noted and Approved: George M. Heneghan  
Fire Prevention Bureau

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 16, 1979

Mr. S. Eric DiNenna  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

Z.A.C. Meeting of: July 24, 1979

RE: Item No: 13, 14, 15, 16, 17, 18, 19, 20  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich  
W. Nick Petrovich,  
Field Representative

WNP/bp

JOSEPH N. MCGOWAN, PRESIDENT  
T. BAYARD W. LAMBS, JR., VICE-PRESIDENT  
MARCUS M. DUTSARIS

THOMAS H. BOYER  
MRS. LOURNAINE F. CHIRCIUS  
ROGER B. HAYDEN

ALVIN LORFER  
MRS. MILTON R. SMITH, JR.  
RICHARD W. TRACY, D.V.M.

ROBERT Y. DUNEL, SUPERINTENDENT

POWER TOOLS  
SALES - SERVICE

PHONE:  
(301) 686-7300

## State SAW AND MACHINERY COMPANY

8220 - 22 PULASKI HWY.

BALTIMORE, MD. 21237

December 12, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Petition for Variances  
NM/S of Pulaski Highway, 575' NE  
of Batavia Farms Road - 15th  
Election District  
Vincent Schittino, et al - Petitioner  
No. 80-89-A (Item No. 14)

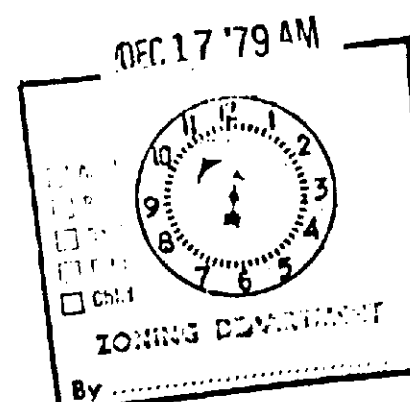
We, Frank J. Frallicciardi and Robert Minnix, wish to appeal your order of November 27, 1979 in the above referenced matter, permitting side yard setbacks of five feet (5') and twenty feet (20') instead of the required thirty feet (30').

State Saw & Machinery Company's check in the amount of \$40.00 is enclosed.

Very truly yours,

Frank J. Frallicciardi  
Frank J. Frallicciardi,  
President  
State Saw & Machinery Co.

Robert Minnix  
Robert Minnix,  
Owner  
B & F Liquors  
nm  
Encl.



Nothing Cuts Costs Like SHARP SAWS

## ASKEW, WILSON & DiCICCO, P.A.

JOHN L. ASKEW  
MEREDITH R. WILSON  
ROBERT A. DiCICCO  
NELSON S. WINTER  
MARCUA ASKEW  
BEATRICE S. ITALY

208 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

TELEPHONE  
AREA CODE 301  
863-1400

February 12, 1980

Clerk  
Board of Appeals of  
Baltimore County  
Court House  
Towson, Maryland 21204

Re: Petition for Variances, North side of Pulaski Highway, 575 feet northeast of Batavia Farms Road.  
Schittino, et al - Petitioner 80-89-A

Mr. Clerk:

Please enter my appearance on behalf of the Protestants, Frank J. Frallicciardi, State Saw and Machinery Company, and Robert Minnix and advise me of the hearing date scheduled by the Board.

Very truly yours,  
Robert A. DiCicco  
Robert A. DiCicco

RAD/d

RECEIVED  
BALTIMORE COUNTY  
FEB 13 3 05 PM '80  
COUNTY CLERK  
BY: [Signature]

3/27/80 - Sent notices of scheduled hearing for Thurs. May 22, '80, at 11 a.m. to:

Mr. Vincent Schittino  
Mr. Giuseppe Schittino  
Mr. F. J. Frallicciardi  
Mr. R. Minnix  
Robt. A. DiCicco, Esq.  
J. Hession  
J. Dyer  
W. Hammond

Petitioner  
Protestant  
Counsel for protestants  
People's counsel  
Zoning

Postponed 5/22/80  
Re: on 7/1/80

5/22/80 - Above notified of POSTPONEMENT and REASSIGNMENT for THURSDAY, JULY 17, 1980 at 10 am

Petitioner out of country Postponed 5-24-80 Re: on 7/28

5/29/80 - Above notified of POSTPONEMENT and REASSIGNMENT for THURSDAY, AUG. 28, 1980 at 10 am

May 28, 1980  
County Board of Appeals  
Room 318 Court House  
Towson, Md. 21204  
Re: Case No. 80-89-A

Gentlemen:  
We are hereby requesting postponement of the above captioned case scheduled for hearing on Thursday, July 17, 1980 at 10:00 AM for reasons being that we are leaving the United States on Saturday, May 31, 1980 for an extended period of time - anywhere from 6 to 9 weeks, and may not be back in time for the presently scheduled hearing date and would appreciate a rescheduling for any time after August 1st 1980.

Thanking you in advance, we are  
Sincerely, (Signature)  
Sch. & Mrs. Vincent Schittino  
2732 Maple Ave.  
Baltimore, Md. 21234

8/28/80

Per J.V.M.

Granted 45 day continuance for petitioner to employ counsel, engineer, planner, or some professional person who can present this issue to the Board. In the 45 days he is to send us through his attorney or whatever, a notice that he has employed them and we will reschedule the hearing after they have submitted a site plan. If he doesn't do this in the 45 days, Board will deny the petition.

ETE

10/8/80 - 11:55 a.m. - Received call from John Heneghan, Esq. (282-3450) that he is entering his appearance on behalf of the Petitioner and will obtain a site plan to be submitted to the Board.

6/18/81 - 11:32 a.m. - Per phone call to Mr. Heneghan on instructions from Mr. Murphy to inquire status of case, Mr. Heneghan advised that Mr. Schittino has never engaged him as counsel and that is why he never entered his appearance. He apologized for not telling us know.

#80-89-A - Vincent Schittino

5/22/80 - Per W.A.R. - He and Mr. Miller sat on this case before and had made a decision regarding it. Therefore, they both disqualified themselves. Mr. Hackett sat on the previous case, so the Board will have to be Murphy, Millhouse and Spurrier.

ETE

8/25/80  
C 27/84

494-3180

## County Board of Appeals

Room 219, Court House  
Towson, Maryland 21204

June 25, 1981

Mr. Frank J. Frallicciardi, President  
State Saw and Machinery Co.  
8220-22 Pulaski Highway  
Baltimore, Md. 21237

Re: Case No. 80-89-A  
Vincent Schittino, et al

Dear Mr. Frallicciardi:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart  
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. Robert Minnix  
Mr. Vincent Schittino  
Mr. Giuseppe Schittino  
Robert A. DiCicco, Esq.  
John W. Hession, III, Esq.  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. N. E. Garber  
Mr. J. G. Hoswell



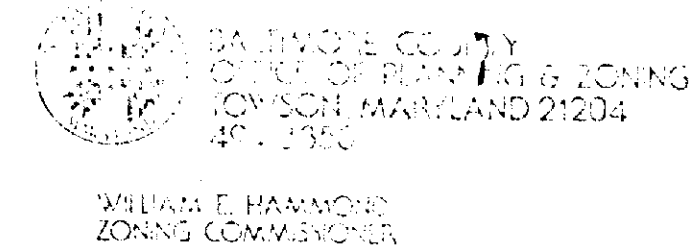
# DESCRIPTION FOR ZONING VARIANCE

Beginning at a point on the northwest side of Pulaski Highway, approximately five hundred and seventy-five feet (575') northeast of Batavia Farm Road and thence running the four (4) following courses and distances:

1. N 66°42' E 72.5'
2. N 11°38' W 201.07'
3. S 78°57' W 84.9', and
4. S 15°17' E 216.7' to the place of beginning.

Located in the Fifteenth Election District of Baltimore County.

OFFICE COPY



November 27, 1979

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234

and

Mr. Giuseppe Schittino  
2732 Maple Avenue  
Baltimore, Maryland 21234

RE: Petition for Variances  
NW/S of Pulaski Highway, 575' NE  
of Batavia Farms Road - 15th  
Election District  
Vincent Schittino, et al - Petitioners  
NO. 80-89-A (Item No. 14)

Gentlemen:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel

Mr. Frank J. Frallicciardi  
State Saw and Machinery Company  
8220 Pulaski Highway  
Baltimore, Maryland 21237

Mr. Robert Minnix  
B & F Liquors  
8226 Pulaski Highway  
Baltimore, Maryland 21237

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

William E. Hammond  
Zoning Commissioner  
TO: John D. Seyffert, Director  
Office of Planning and Zoning  
FROM: Date: September 13, 1979  
SUBJECT: Petition #80-89A, Item 14

Petition for Variance for side yards setbacks  
Northwest side of Pulaski Highway, 575 feet Northeast of Batavia Farms Roads  
Petitioner - Vincent Schittino, et al

15th District

HEARING: Thursday, September 20, 1979 (1:30 P.M.)

There are no comprehensive planning factors requiring comment on this petition.

John D. Seyffert, Director  
Office of Planning and Zoning

JDS:JGH:rw

### PETITION FOR VARIANCE

15th District

ZONING: Petition for Variance for side yard setbacks  
LOCATION: Northwest side of Pulaski Highway, 575 feet Northeast of Batavia Farms Road

DATE & TIME: Thursday, September 20, 1979 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side yard setbacks of 5 feet and 20 feet instead of the required 30 feet

The Zoning Regulation to be excepted as follows:

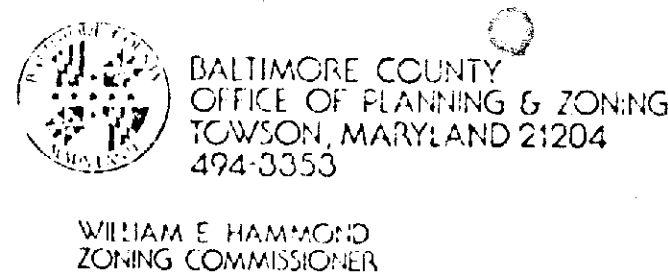
Section 235.2 - side yard setback

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Vincent Schittino, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, September 20, 1979 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



September 10, 1979

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234

RE: Petition for Variance  
NW/S of Pulaski Hwy., 575'  
NE of Batavia Farms Road  
Case No. 80-89-A

Dear Sir:

This is to advise you that \_\_\_\_\_ is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

cc: Giuseppe Schittino  
WEH/sj

### NOTICE OF HEARING

RE: NW/S Pulaski Highway, 575' NE Batavia Farm Road - Petition for Variance - Case No. 80-89-A

TIME: 1:30 P.M.

DATE: Thursday, September 20, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF  
BALTIMORE COUNTY

cc: Giuseppe Schittino

POWER TOOLS  
SALES • SERVICE

PHONE:  
(301) 684-7300

State AND MACHINERY  
COMPANY

8220-22 PULASKI HWY. BALTIMORE, MD. 21237

December 12, 1979

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Petition for Variances  
NW/S of Pulaski Highway, 575' NE  
of Batavia Farms Road - 15th  
Election District  
Vincent Schittino, et al - Petitioners  
No. 80-89-A (Item No. 14)

We, Frank J. Frallicciardi and Robert Minnix, wish to appeal your order of November 27, 1979 in the above referenced matter, permitting side yard setbacks of five feet (5') and twenty feet (20') instead of the required thirty feet (30').

State Saw & Machinery Company's check in the amount of \$40.00 is enclosed.

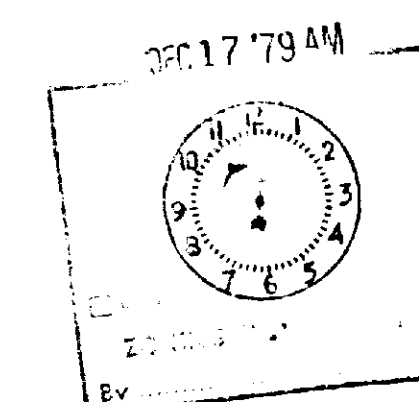
Very truly yours,

Frank J. Frallicciardi,  
President  
State Saw & Machinery Co.

Robert Minnix

Robert Minnix,  
Owner  
B & F Liquors

nm  
Encl.



December 21, 1979

Mr. Vincent Schittino  
2829 Rosalie Avenue  
Baltimore, Maryland 21234

RE: Petition for Variances  
NW/S of Pulaski Hwy., 575'  
NE of Batavia Farms Road  
Vincent Schittino, et al  
Case No. 80-89-A

Dear Mr. Schittino:

Please be advised that an Appeal has been filed by Frank J. Frallicciardi and Robert Minnix, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the Appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:sj

cc: Mr. Giuseppe Schittino  
2732 Maple Avenue  
Baltimore, Md 21234

John W. Hessian, III, Esq.  
People's Counsel for Balco. County

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 9/3/79  
Posted for: Vincent Schittino, et al  
Petitioner: Vincent Schittino, et al  
Location of property: 575' NE of Pulaski Highway, 5.75' NE of Batavia Farm Rd.  
Location of Signs: front of property (facing Pulaski Hwy)  
Remarks: \_\_\_\_\_  
Posted by: Sean Coleman Date of return: 9/7/79  
Signature \_\_\_\_\_

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 11/1/80  
Posted for: Board of Appeals  
Petitioner: Vincent Schittino, et al  
Location of property: 575' NE of Pulaski Highway, 5.75' NE of Batavia Farm Rd.  
Location of Signs: front of property (facing Pulaski Hwy)  
Remarks: \_\_\_\_\_  
Posted by: Sean Coleman Date of return: 11/5/80  
Signature \_\_\_\_\_

**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map date by	Original date by	Duplicate date by	Tracing date by	200 Sheet date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <u>CF</u>					
Previous case: <u>77-204A</u>					

Revised Plans:  
Change in outline or description \_\_\_\_\_ Yes  
Map # 40 \_\_\_\_\_ No

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

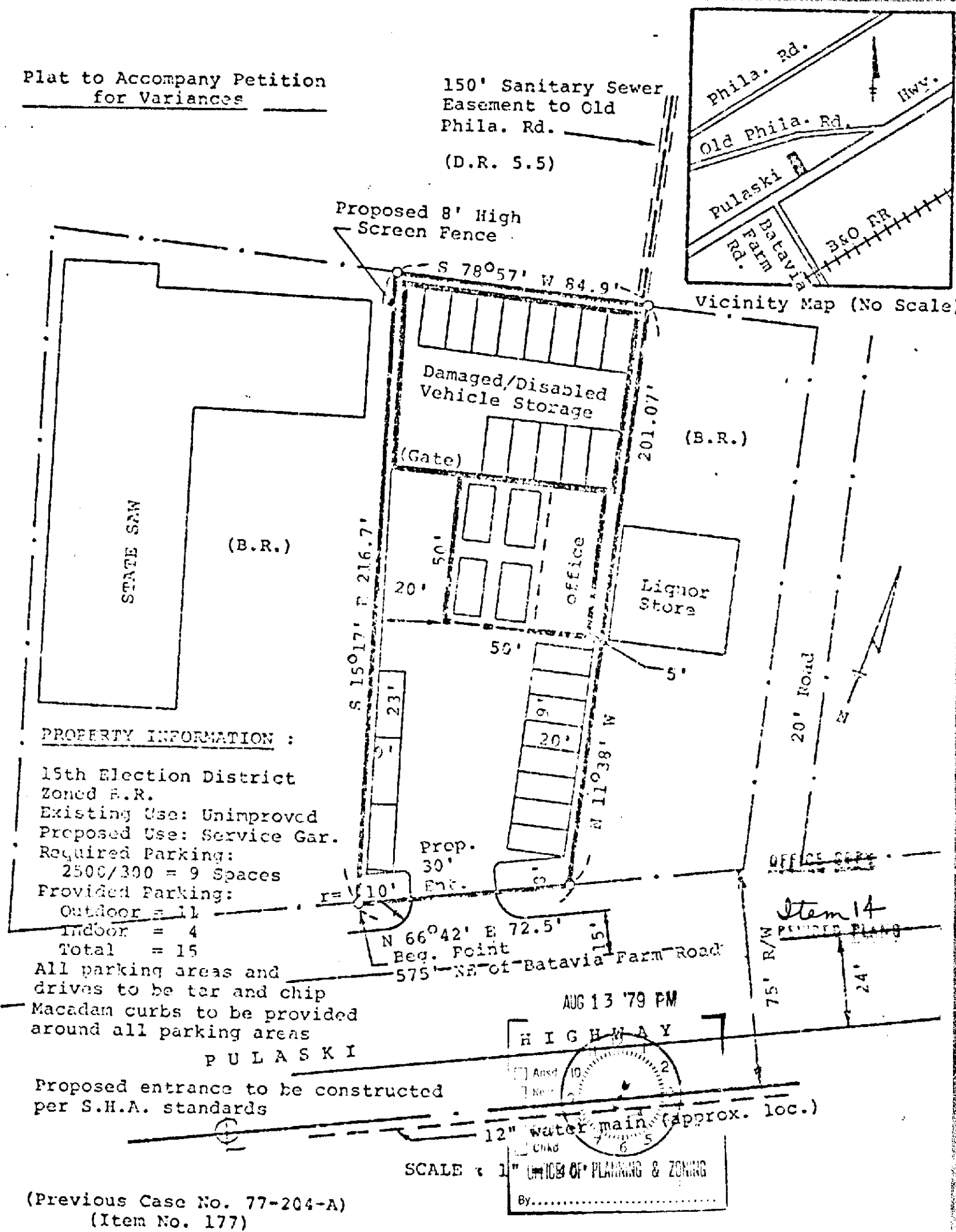
Your Petition has been received this 9TH day of JULY, 1979.\*

Filing Fee \$ 2500 Received: ☒ Check  
\_\_\_\_\_ Cash  
\_\_\_\_\_ Other

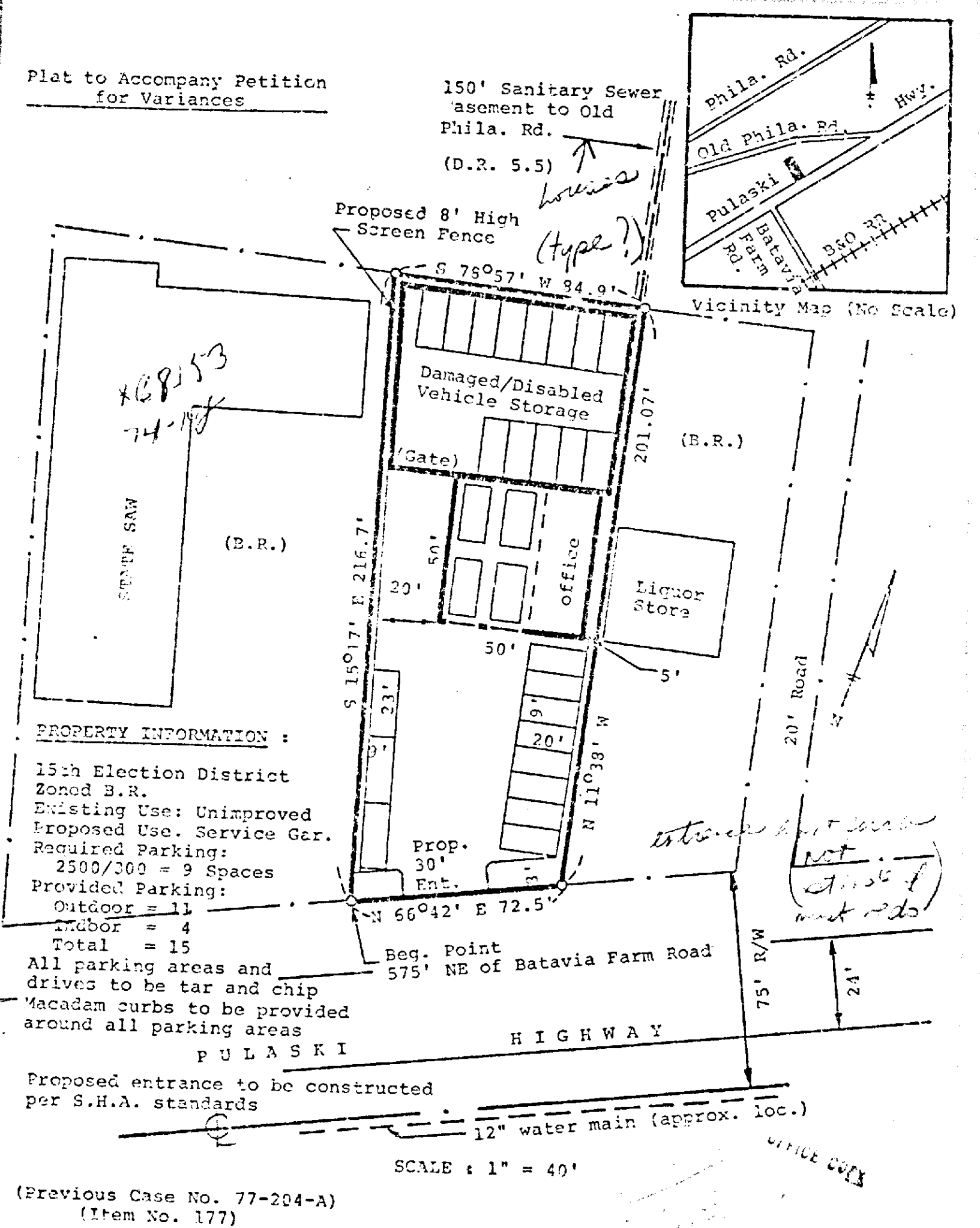
Petitioner: VINCENT SCHITTINO Submitted by: William E. Hammond, Zoning Commissioner  
Petitioner's Attorney: N/A Reviewed by: CF

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

**Plat to Accompany Petition  
for Variances**



**Plat to Accompany Petition  
for Variances**



**Duplicate  
CERTIFICATE OF PUBLICATION**

TOWSON, MD. 1979  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks before the \_\_\_\_\_ day of \_\_\_\_\_, 1979, the first publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 1979.

**THE JEFFERSONIAN,**  
S. Frank Smith  
Manager.

Cost of Advertisement, \$ 19.75

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT**

No. 83133  
DATE August 21, 1979 ACCOUNT 01-662  
AMOUNT \$25.00  
RECEIVED FROM: A.A.P.E. Co.  
FOR: Filing Fee for Case No. 80-89-A  
25.00  
VALIDATION OR SIGNATURE OF CASHIER

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT**

No. 83188  
DATE Sept. 17, 1979 ACCOUNT 01-662  
AMOUNT \$11.19  
RECEIVED FROM: Giuseppe Schittino  
FOR: Posting & Advertising Property Case No. 80-89-A  
11.19  
VALIDATION OR SIGNATURE OF CASHIER

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT**

No. 83300  
DATE December 18, 1979 ACCOUNT 01-662  
AMOUNT \$10.00  
RECEIVED FROM: State Sav & Machinery Co.  
FOR: Filing Fee for Appeal of Case No. 80-89-A  
10.00  
VALIDATION OR SIGNATURE OF CASHIER